

City Council

Motion without Notice

MM3.18	ACTION			Ward: 14
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818 Eastern Avenue - Request for City Solicitor to Retain Outside Consultant at Toronto Local Appeal Body - by Councillor Paula Fletcher, seconded by Councillor Shelley Carroll

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Paula Fletcher, seconded by Councillor Shelley Carroll, recommends that:

1. City Council authorize the City Solicitor to retain outside consultants as may be necessary in order to assess any settlement proposal received and/or to continue to oppose the appeal of the Committee of Adjustment's decision to refuse the minor variance application in respect of 818 Eastern Avenue (Application Number A0706/21TEY; Toronto Local Appeal Body Case file Number 21 250427 S45 14 TLAB).

Summary

This motion will authorize the City Solicitor to retain outside consultants as may be necessary in order to assess any settlement proposal received and, if necessary, to continue to oppose the appeal of the Committee of Adjustment's decision to refuse the minor variance application respecting 818 Eastern Avenue (Application Number A0706/21TEY; Toronto Local Appeal Body Case file Number 21 250427 S45 14 TLAB) (the "Application").

On February 2, 2022, City Council directed the City Solicitor and appropriate City staff to attend the Toronto Local Appeal Body to oppose the Application and to attempt to negotiate a resolution. City Council's decision can be found here: [Agenda Item History - 2022.MM39.7](#). The Application contemplates dog daycare and boarding uses within a zone that does not expressly permit those uses.

The City appeared before the Toronto Local Appeal Body in opposition to the Application on January 20, January 24, and January 30, 2023. However, on January 30, 2023, the Toronto Local Appeal Body adjourned the hearing in order to give the City Solicitor and City Planning an opportunity to effectively respond to a newly-admitted document from the applicant. Said document relates to a proposed noise mitigation plan. The City, in its disclosure documents for the Toronto Local Appeal Body proceeding, raised noise from the dogs on the subject site as a significant concern.

In order for the City to continue to effectively assess and call its case, the City Solicitor requires the expertise of an acoustical engineer to advise on the soundness of the applicant's proposed noise mitigation plan, and to potentially make recommendations respecting that solution. This motion is urgent as the Toronto Local Appeal Body has scheduled two more hearing days for this matter: March 30 and March 31, 2023, and the City has a deadline of March 9, 2023 to submit any additional disclosure in response to the applicant's noise mitigation plan.

Background Information (City Council)

Member Motion MM3.18